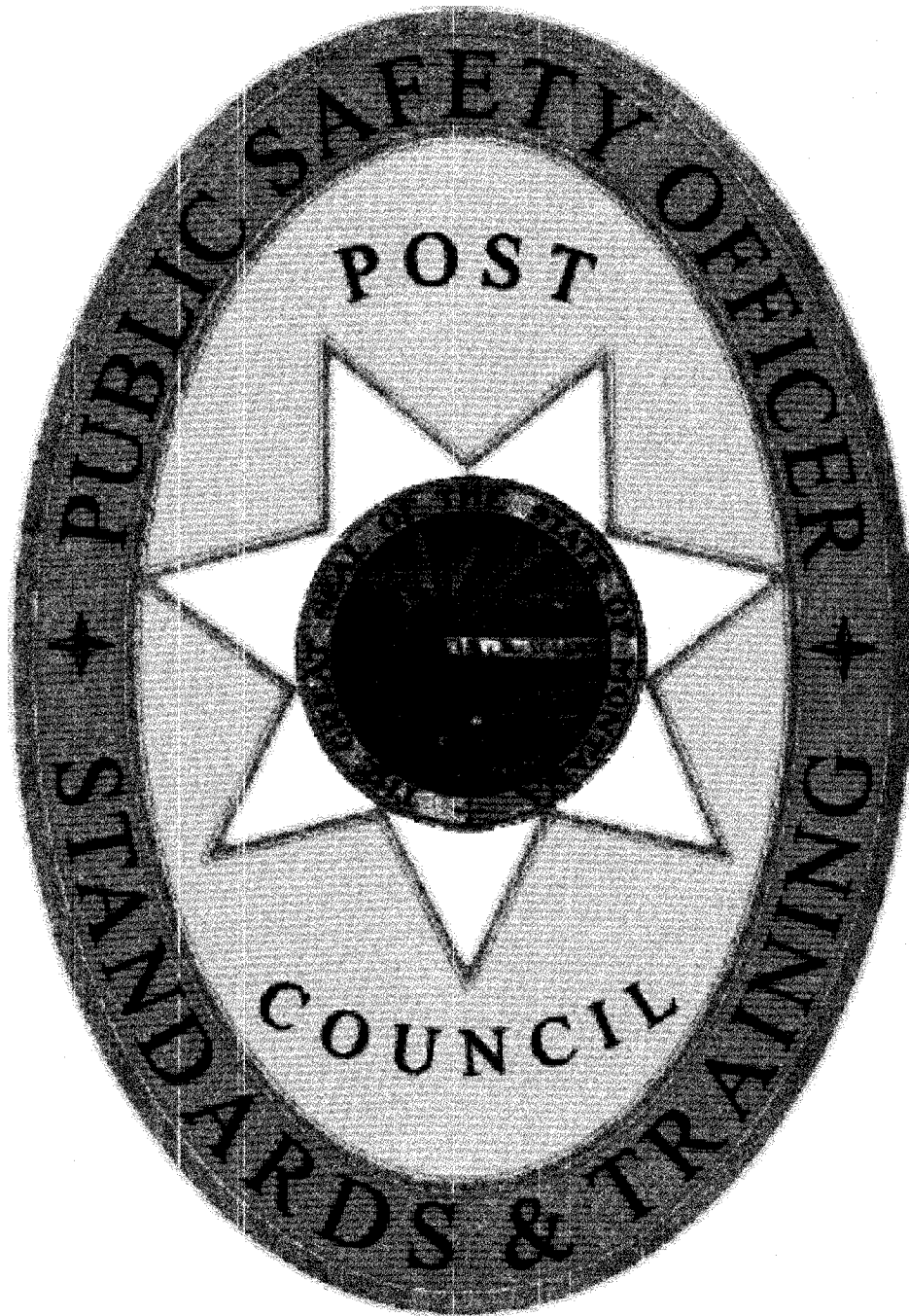


Montana Public Safety Officer Standards and Training “POST” Council

EXHIBIT 2
DATE 1-30-09
HB _____



Budget Proposal 2009

**Budget Proposal for the
Montana Public Safety Officer Standards and Training "POST" Council
Respectfully submitted on behalf of the Council
By Wayne C. Ternes, Executive Director**

Brief Council Overview

The Montana Public Safety Officer Standards and Training "POST" Council was created during the 2007 Legislative session under SB273 sponsored by Senator Larry Jent of Bozeman.

Upon the passage of this bill, the following state statute was put into place:

2-15-2029. Montana public safety officer standards and training council -- administrative attachment -- rulemaking. (1) (a) There is a Montana public safety officer standards and training council. The council is a quasi-judicial board, as provided for in 2-15-124, and is allocated to the department of justice, established in 2-15-2001, for administrative purposes only as provided in 2-15-121, except as provided in subsection (1)(b) of this section.

(b) The council may hire its own personnel and independently administer the conduct of its business, and 2-15-121(2)(a), (2)(d), and (3)(a) do not apply.

(2) The council may adopt rules to implement the provisions of Title 44, chapter 4, part 4. Rules must be adopted pursuant to the Montana Administrative Procedure Act.

Prior to becoming a Quasi-judicial board and being administratively attached to the Department of Justice, the Council was an "Advisory" Board to the Montana Board of Crime Control.

Current Duties

The current statutory authority and duties of the Council are spelled out in **44-4-403. Council duties -- determinations -- appeals.**

This law states in part:

- (1) The council shall:
 - (a) establish basic and advanced qualification and training standards for employment;
 - (b) conduct and approve training; and

- (c) provide for the certification or recertification of public safety officers and for the suspension or revocation of certification of public safety officers.

In order to fulfill the statutory requirements of this law the Council has adopted Administrative Rules as allowed in 2-15-2029. New rules were written and adopted August 1, 2008.

Oversight Agency

The Council, by statutory requirement, is the oversight agency for all Public Safety Officers as defined in 44-4-401. We are tasked with setting the employment and training standards, conducting and approving training and providing for certification or recertification of over 7,000 active officers and nearly 6,000 inactive officers State wide.

We are also responsible for receiving, investigating and acting on complaints against Public Safety Officers under our jurisdiction. These complaints come from Agency Administrators, fellow officers and citizens.

Conducting Council Business

The Council is made up of 13 members:

- 44-4-402. Membership -- compensation.** (1) The council consists of no more than 13 voting members appointed by the governor in accordance with 2-15-124 and as provided in this section.
- (2) Membership must include but is not limited to:
- (a) one state government law enforcement representative;
 - (b) one chief of police, who may be appointed based on recommendations from the Montana association of chiefs of police;
 - (c) one sheriff, who may be appointed based on recommendations from the Montana sheriffs and peace officers association;
 - (d) one representative from the department of corrections established in 2-15-2301;
 - (e) one local law enforcement officer in a non-administrative position, who may be appointed based on recommendations from the Montana police protective association;
 - (f) one detention center administrator or detention officer;
 - (g) one Montana-certified tribal law enforcement representative;
 - (h) one county attorney, who may be appointed based on recommendations from the Montana county attorneys association;
 - (i) two members of the board of crime control established in 2-15-2006; and
 - (j) three Montana citizens at large who are informed and experienced in the subject of law enforcement.

The Council previously met quarterly, however to keep spending down and assist in meeting the Governor's 20/10 initiative, the Council will now be meeting only 3 times a year. However in order to continue meeting the increasing needs of the field the Council is using conference calls on a monthly basis.

Current staffing for the Council consists of a full-time Executive Director and one full-time Administrative Assistant.

In order to fulfill the statutory requirements of this Council we maintain:

- an electronic data base (which is currently being re-written to new software standards) of all of the above mentioned 13,000 plus officers. These officers are from over 160+ Public Safety agencies state wide.
- a paper file on each officer which includes hiring, training, certification and disciplinary paperwork.
- a file of all approved training courses being conducted within the State.
- a complete list of certified instructors which are monitored for expiration and continuing education requirements

Budget Request Justification and Background

The original budget "present law" that was passed during the 2007 session came with a budget of \$87,494.00 dollars for FY08 and \$87,856.00 dollars for FY09. This was to fund 1 ½ FTE and approx. \$3,000.00 dollars in operating costs.

The Department of Justice/Division of Criminal Investigation worked very hard to find an additional ½ FTE so that we could make our Administrative Support staff a full time position.

From the beginning it was apparent that the Council was underfunded and the DOJ then worked to find an additional \$62,250.00 dollars in supplemental funding each year to assist in our operations.

Although it was found to be necessary to find supplemental funding for our operations from within DOJ, we have been told that those funds most likely will not be available in the near future which will put our Council in a position where they will not be able to fulfill statutory requirements.

The monies that have been requested through the elected official process reflects the additional dollars needed for the 1 ½ additional FTE and operations expenses to fully allow the Council to conduct business as we believe is required by current law.

Staffing

We are currently funded for 2 FTE (Director and Support Staff). The only way the Council has been able to complete its statutory requirements is through the graciousness of DOJ and DOC staff (approx. 7 positions) that have taken time from their current positions to assist with Council functions.

Although this assistance is greatly appreciated and at this time needed, it creates a problem with too many folks entering data in their own way making for a data base with bad data.

We discovered early on that the data base was not correct with such things as double entries of names, courses missing or entered incorrectly, etc.

Our goal is to bring all Council functions under the direction of our office to maintain data integrity and allow those helping us get back to their respective jobs full time.

We are behind on investigations of complaints filed on Public Safety Officers because of the current workload in just trying to track hiring, termination, certifying and training of Officers in the system.

Because of this workload we are asking for an additional 1 ½ FTE. One would be a ½ time administrative support person to handle most of the daily busy office work so as to free up time for our current employee to handle the data base and file system. The second position we are asking for is a full time Compliance Specialist that will be tasked with monitoring/auditing all agencies we oversee for compliance with current employment and training standards. This person will also be the primary person for all complaints against officers that come to our attention.

This would free up the Director's time to be able to concentrate on the task of reviewing training being offered throughout the State, review of new curriculum and meeting with Agency organizations to educate them on the laws and rules concerning their officers. The Director is also responsible for reviewing and signing off on all certification requests, out of state and other training, instructor applications and requests for equivalency.

We currently receive 50+ applications for certification a month, 10+ applications for instructors per month, review 30+ applications for out of state and other training per month and 3-5 requests a month for review of equivalency.

Operation Expenses

We have no idea where the figure of \$3,000.00 dollars came from during the passage of current law. Please understand that just our copier/fax/printer charges exceed this amount.

Each face to face meeting that the Council has comes with a cost of nearly \$4,000.00 dollars due to travel, per diem and stipend allowed for under **2-15-124. Quasi-judicial boards.**

The monthly conference calls cost approx. \$100.00 dollars per hour through the State system. The meetings so far have been 2 hours, however we may see some 3 hour meetings with the increased work coming our way.

The Director and Compliance Monitor will each travel several times a month for business and will combine trips when feasible.

We currently have 3 computer lines that cost \$90.50 dollars/month charge to DOA and will be adding 2 more if we receive authorization for the new employees.

Our mailing and printing costs cover printing and mailing certificates, printing and mailing information to Council members (we use e-mail for everything possible) and general mailing of information such as certified transcripts for Officers requesting them.

A large sum of money is going to DOJ Agency Legal Services for processing and conducting hearings for our contested cases that arise when the Council takes action on an officer's certification. This cost was not funded in 2007 and is really a moving target since we have not moved forward with 30+ investigations that most likely will result in a large number of them being contested. Not because they are poor complaints, but rather that under State law if the officer has their certification suspended or revoked, it is against the law for them to continue working as a Public Safety Officer.

We anticipate the amount expended on hearings will double or triple during the next biennium.

The repair and maintenance dollars are for the car that is provided to us by DOJ and we anticipate sending our staff to several trainings during the next 2 years to ensure they are up to date with their respective skills.

Attachments

Additional budget request to be added to current base budget allocation.

Goals and objectives.

Compliance Monitor Description

Attorney General - Elected Official Budget Request

2011 Biennium

5) Montana Public Safety Officer Standards and Training Council (POST)

FY 2010: 1.5 FTE, \$169,009 General Fund

FY 2011 : 1.5 FTE, \$163,809 General Fund

During the 2007 Session, SB273 by Senator Jent re-created what was formerly known as the Montana Peace Officer Standards and Training Advisor Council to what is now known as the Montana Public Safety Officer Standards and Training Council which is an independent quasi-judicial board as defined in 2-15-2029 MCA.

After operating for the past 18 months under the new laws it is very apparent that the Council was greatly underfunded during the last session. The new law came with funding for 1.5 FTE and an operating budget of approx. \$3,000.00 dollars. Because there was so much outside assistance, we believe that it was impossible at the time to capture what the actual costs were going to be until we had a chance to work under the new law.

When the Council was recreated and brought out from under the Board of Crime Control, there were up to seven staff members from various agencies that were assisting in the operation required of the Council. They helped with everything from data entry to actually approving courses for POST credit. With these duties now being completely absorbed by the staff of the Council it is apparent that we need at a minimum 1.5 additional FTE and an operations budget that clearly allows us to do the job that is statutorily required.

In order to get us through the last 2 years, DOJ/DCI has been very gracious in finding additional funds to supplement our operation, however we believe that continuing that funding is neither feasible nor appropriate.

Division of Criminal Investigation
Elected Official Request - 2011 Bien
POST - Additional funding for POST Program

		FY 2010	FY 2011	2011 Bien Total
Personal Services	61100	56,767	56,767	113,534
	61400	10,218	10,218	20,436
	61400	15,024	15,024	30,048
	61400	-	-	-
		82,009	82,009	164,018
Operating Expense				
Other Services	62100	25,000	25,000	50,000
Supplies & Materials	62200	20,000	14,800	34,800
Communications	62300	8,500	8,500	17,000
Travel	62400	30,000	30,000	60,000
Repair & Maintenance	62700	1,000	1,000	2,000
Other Expense	62800	2,500	2,500	5,000
		87,000	81,800	168,800
Estimated Total Cost		169,009	163,809	332,818

1.5 FTE

Band 06 - Compliance Specialist - Job Code: 131415 \$40,083

Band 04 - Admin Assistant (.50 FTE)- Job Code: 436114 \$16,684

Benefits @ 18%

Insurance - (\$7,512 x 2)

Vacancy Savings at 7%

Includes Legal Assistance for POST program and contracted temp

Includes Per Diem/travel for board members and POST staff

Includes the maintenance for for the assigned car

Training for staff

Agency Objectives for FY10 & FY11

Our overall goal is to ensure that all Montana Public Safety Officers are in compliance with current laws governing qualifications and standards for employment, training and certification in order to provide for the safety of all Montana citizens.

The following Objectives are in addition to continuing the daily work required such as certifications, training review, etc.

- i. **Objective:** Hire the necessary staff to ensure efficient completion of Council duties as required by law.

Status: Work continues with the current staff of 1 full time director, 1 full time administrative support and Council members. We were initially funded for a ½ time administrative support and since were able to move that to a full time position only through the generosity of DOJ.

Obstacle: Additional funding is needed to hire necessary staff. (We continue to complete our required work as time allows. This sometimes is not seen as acting fast enough by our agency and citizen customers.)

Time line: If funding is approved, we would hire ½ FTE Admin Support July 1, 2009 and the Full Time Compliance Monitor by October 1, 2009 so as to meet our 7% vacancy savings.

- ii. **Objective:** Ensure the accuracy our current Data Base and continue to work toward allowing other data to be integrated with our data base, such as MLEA and the Dept. of Corrections in order to try and eliminate duplication of work.

Status: DOJ IT staff are working with us to complete a rewrite of the current data base to bring it up to date with current software. We have contacted all agencies and reviewed their staff lists for discrepancy. We will be doing the final cleanup in the next 2 months.

Update: With help from MLEA and DOC staff we have been able to contact all agencies in our data base to assist with the clean up of data. As of January 21, 2009 we only have the Department of Corrections left to clean up.

Time Line: We expect to be moved to the new data base by May 1, 2009 with the cleaned up data.

- iii. **Objective:** Present to the 2009 Legislature a comprehensive budget request that will cover the complete operation of the POST Council as an independent Quasi-judicial board as intended by the 2007 Legislature and all duties as assigned.

Status: Ongoing

Obstacle: EPP being cut out of budget proposal.

Time Line: Budget hearings for 2009 Legislature

- iv. **Objective:** Institute a business process in order to complete objectives.

Status: Ongoing

Time Line: July 1, 2009

- v. **Objective:** Review all agencies under the oversight of the Council for reporting compliance.

Status: Ongoing

Obstacle: Staff time and budget. This will not be able to take place without the addition of the full time Compliance Monitor.

Time Line: If funded for Compliance Monitor this position will begin the review January 1, 2010 and will complete the review of agencies by December 31, 2010.

- vi. **Objective:** Bring forward all outstanding complaints on Public Safety Officers in our files and file new complaints as they come in.

Status: Ongoing

Obstacle: Staff time and budget.

Time Line: Ongoing, however all current files in our office will be reviewed and presented to the Council for action at or before the April 16, 2009 Council meeting. This action will include continuing the investigation, moving forward in the suspension/revocation process or closing of the file.

Request Description:

Professional Standards Compliance Monitor

The classification for this position would be a band 6. Annual salary would be about \$41,000.00 dollars. Benefits and operational costs would be consistent with those of current State employees.

The POST Council is mandated by statute (44-4-403) to provide for the certification and recertification of public safety officers and for the suspension or revocation of their certification. Revoking or suspending the certification of a public safety officer is a very serious matter due to the public safety implications and the impact on the life of an officer and their family.

The POST Council currently has between two and four cases that are being taken through the formal Montana Administrative Procedures Act hearing process. In addition there are 30-40 additional complaints that have not been processed because the resources do not exist to move forward with them. Some of these most likely will result in decertification.

The POST Council historically has relied up the Executive Director to investigate these cases and work with staff attorney through resolution. That expectation is no longer viable and the council needs a full-time Professional Standards Compliance Monitor to conduct these investigations, which require a serious time commitment to investigate, organize and prepare for hearing. Quality investigations based on sound and seasoned understanding of the certification process will reduce legal support costs; improve public safety by removing unprofessional officers from the system and increase public and agency confidence in POST.

The Professional Standards Compliance Montitor would have as a secondary part of their position the responsibility to conduct research into the cause and reasons why officers get into the decertification process; develop a plan to address the causes for council review and approval and provide training and technical assistance to reduce this growing problem.